

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MIDDLE DIVISION**

**MAC East, LLC,
an Alabama Limited Liability
Corporation,**

PLAINTIFF,

vs.

CASE NO. 2:05-cv-1038-MEF

**SHONEY'S LLC.,
a Tennessee limited
liability company,**

DEFENDANT.

**NOTICE CONCERNING SETTLEMENT CONFERENCE
AND MEDIATION**

Comes now the Plaintiff and pursuant to Section 3 of the Scheduling Order [Doc. 6], hereby gives notice that on May 3, 2006, counsel for the parties conducted face-to-face settlement discussions. Counsel also discussed whether mediation would be of assistance. Plaintiff hereby gives notice that the parties were unable to reach a settlement of the matter and that they do not believe mediation would be fruitful at this time.

/s/ Dennis R. Bailey
Dennis R. Bailey (744845)
Bethany L. Bolger (6740E60B)
Attorneys for Plaintiff MAC East, LLC.

Of counsel:

RUSHTON, STAKELY, JOHNSTON & GARRETT, P.A.
184 Commerce Street
Post Office Box 270
Montgomery, Alabama 36101-0270
(334) 206-3234 (phone)
(334) 481-0031 (fax)
drb@rsjg.com (e-mail)

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing through the ECMF system which will serve a copy of the foregoing document upon the following counsel of record on this the 8th day of May 2006.

Mr. James N. Nolan
Mr. Paul O. Woodall, Jr.
Walston, Wells & Birchall, LLP
1819 Fifth Avenue North
Suite 1100
Birmingham, Alabama 35203

/s/ Dennis R. Bailey
Of counsel